CONFERENCE ON DISARMAMENT

CD/1609
24 March 2000

Original: ENGLISH

NEW ZEALAND

RESOLUTION ON NUCLEAR DISARMAMENT ADOPTED BY

THE NEW ZEALAND PARLIAMENT, 23 FEBRUARY 2000

The Parliament of New Zealand resolves, relying upon:

- the Universal Declaration of Human Rights;
- the Treaty on the Non-Proliferation of Nuclear Weapons;
- the final document of the first UN special session devoted to disarmament;
- the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987;
- the unanimous finding of the International Court of Justice and its advisory opinion on the legality of the threat or use of nuclear weapons that,

  "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control";

- the unanimous report of the Canberra Commission on the Elimination of Nuclear Weapons;
- the (Eight) Foreign Ministers Joint Declaration 1998;
- and the Nuclear-Test-Ban Act 1999;

as a mark of the dawning of the year 2000, to appeal to all fellow member states of the United Nations, and especially the nuclear weapons states, to join with New Zealand in fulfilling the obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control

and that the text of this resolution be conveyed by the Government to each and every member state of the United Nations by the most effective diplomatic means available; and copies of the resolution be simultaneously communicated by the Government to the UN Secretary-General, the President of the UN General Assembly, the President of the UN Security Council, the President of the Conference on Disarmament, and the President of the International Court of Justice; and that the Government of New Zealand work for the fulfilment of the obligation in all appropriate international forums.

CONFERENCE ON DISARMAMENT

CD/1610
29 March 2000

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LETTER DATED 23 MARCH 2000 FROM THE PERMANENT REPRESENTATIVE OF MONGOLIA ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE LAW OF MONGOLIA ON "THE NUCLEAR-WEAPON-FREE STATUS" AND THE PARLIAMENTARY RESOLUTION ON THIS SUBJECT ADOPTED BY THE PARLIAMENT OF MONGOLIA ON 3 FEBRUARY 2000

I have the honour to transmit to you the Law of Mongolia on "the Nuclear-weapon-free status" and the Parliamentary Resolution on this subject adopted by the Parliament of Mongolia on 3 February 2000.

I would be grateful if these Law and Resolution are circulated as an official document of the Conference on Disarmament.

(Signed) Such-Ochir Bold
Ambassador
Permanent Representative

GE.00-60956

Law of Mongolia

February 3, 2000 City of Ulaanbaatar

ON THE NUCLEAR-WEAPON-FREE STATUS

CHAPTER ONE

General provisions

Article 1. Purpose of the Law

The purpose of the present Law is to regulate relations pertaining to the preservation of the territory of Mongolia in its entirety, including its air space, land, waters and the sub-soil free from nuclear weapons, which constitutes an important factor for ensuring Mongolia's security.

Article 2. Legislation on Mongolia's nuclear-weapon-free status

2.1 The legislation on Mongolia's nuclear-weapon-free status shall consist of the Constitution of Mongolia, the present Law and other legislative acts adopted in conformity with them.

2.2 In case an international treaty to which Mongolia is a party contains provisions different from those provided for in the present Law, the provisions of the international treaty shall prevail.

Article 3. Definitions

3.1 The definitions contained in the present Law shall have the following meaning:

3.1.1 "nuclear weapon" means any explosive device that is capable of releasing nuclear energy in an uncontrollable manner and that can be used for hostile purposes;

3.1.2 "nuclear-weapon-free status" means a legal status of being free from nuclear weapons.

Article 4. Prohibitions resulting from the nuclear-weapon-free status

4.1 An individual, legal person or any foreign State shall be prohibited on the territory of Mongolia from committing, initiating or participating in the following acts or activities relating to nuclear weapons:

4.1.1 develop, manufacture or otherwise acquire, possess or have control over nuclear weapons;
4.1.2 station or transport nuclear weapons by any means;
4.1.3 test or use nuclear weapons;
4.1.4 dump or dispose nuclear weapons grade radioactive material or nuclear waste.

4.2 Transportation through the territory of Mongolia of nuclear weapons, parts or components thereof, as well as of nuclear waste or any other nuclear material designed or produced for weapons purposes shall be prohibited.

Article 5. Uses of nuclear energy and technology

5.1 The use of nuclear energy and technology shall be permitted only by the State administrative authority in charge of nuclear energy and solely for peaceful purposes such as health care, mining, energy production and scientific research in accordance with the provisions of the international treaties to which Mongolia is a party as well as in conformity with the norms and principles of international law.

5.2 For the purpose of implementing Article 5.1 of the present Law and banning the dumping or storage in the vicinity of the borders of Mongolia of nuclear material or waste that might directly or in the long run indirectly adversely affect the safety of the population and the environment, Mongolia shall cooperate with the International Atomic Energy Agency (IAEA), other appropriate international organizations and the States that have nuclear programs.

CHAPTER TWO

Verification

Article 6. National verification of the implementation of the legislation on the nuclear-weapon-free status

6.1 On the basis of the proposals of the central administrative authority in charge of foreign relations and of other organizations, the National Security Council of Mongolia shall, within its functions and competence, coordinate the following activities:

6.1.1 implementing of a single State policy concerning the prohibited and permitted activities pertaining to the nuclear-weapon-free status in Mongolia;

6.1.2 institutionalizing internationally Mongolia's nuclear-weapon-free status;

6.1.3 taking an active part in the activities of the appropriate international organizations, exchanging information on the prohibited and permitted activities in Mongolia and providing information to national organizations.

6.2 The competent authority of Mongolia shall have the right to gather information, stop, detain and search any suspected aircraft, train, vehicle, individual or group of persons.

6.3 The central administrative authority in charge of foreign relations shall be entrusted with monitoring the compliance with the present Law and the international commitments assumed by Mongolia in connection with the nuclear-weapon-free status.

6.4 Non-governmental organizations or individuals may, within the mandate provided for by the legislation, exercise public oversight of the implementation of the legislation on the nuclear-weapon-free status and submit proposals thereon to the relevant State authority.

Article 7. International verification on the implementation of the legislation on the nuclear-weapon-free status

7.1 Mongolia shall conduct international verification over the implementation of the present Law in cooperation with the relevant international organizations or by concluding special international agreements thereon.

CHAPTER THREE

Liability

Article 8. Liability for violation of the legislation on the nuclear-weapon-free status

8.1 An individual or legal person that violates Article 4 of the present Law shall be held liable in accordance with the Criminal Code.

8.2 The facility, equipment, material, raw material or means of transportation used for the activities prohibited by Article 4.1 of the present Law shall be expropriated by the State.

8.3 An individual or legal person that violates the present Law shall pay compensation for the damage caused to the interests of Mongolia as well as to the population, the environment and the properties in accordance with the

relevant legislation of Mongolia or in conformity with the appropriate international treaty, the principles and norms of international law.

8.4 In case of violation or suspected violation of the present Law by a foreign State, Mongolia shall, within its international treaty obligations or norms and principles of international law, officially notify the State concerned of the violation or suspected violation, request explanation and peacefully resolve any question that may arise therefrom. If deemed necessary, the International Atomic Energy Agency (IAEA) and other relevant bodies could be asked for assistance. In case of a dispute of a legal nature, measures could be taken up to referring the matter to the relevant international court or arbitration.

Article 9. Amendment and termination of the Law

9.1 If the vital interests of Mongolia are affected, the present Law may be amended or terminated.

CHAIRMAN OF THE STATE
GREAT HURAL OF MONGOLIA — R. GONCHIGDORJ

Resolution

of the State Great Hural of Mongolia

February 3, 2000 No. 19 City of Ulaanbaatar

On measures to be taken in connection with the adoption of the law on the nuclear-weapon-free status

In its foreign policy, Mongolia sets the goal of pursuing its national interests, developing friendly cooperation with all the countries of the world as well as actively contributing, to the extent possible, to the efforts of the international community to strengthen peace and security. It is also pursuing a policy of refraining from joining any military alliance or grouping, or allowing the use of its territory against any other State as well as banning the stationing on its territory of foreign troops and weapons, including nuclear and other weapons of mass destruction. With respect to its two neighboring States, Mongolia is pursuing the policy of maintaining balanced and friendly relations and developing broad cooperation.

Mongolia consistently advocates disarmament and, on its part, is taking concrete steps to promote the goal of non-proliferation of nuclear weapons. Within the framework of this policy, in 1992 Mongolia declared its territory a nuclear-weapon-free zone and has since been pursuing the policy of and taking the measures aimed at institutionalizing and guaranteeing it. One of the results of such a policy has been the adoption by the United Nations General Assembly at its 53rd regular session on 4 December, 1998 of the resolution 53/77D entitled "Mongolia's international security and nuclear-weapon-free status".

Keeping Mongolia's territory free of nuclear weapons is fully in line with its policy aimed at strengthening its national security by political and diplomatic means.

Strengthening Mongolia's nuclear-weapon-free status at the State policy level, further clearer defining of the status and its observance would be important in strengthening mutual confidence and Mongolia's external security environment as well as in linking the country's national security to regional security and stability.

Mongolia's nuclear-weapon-free status represents a novel approach in the practice of international relations, which in its wider context could be considered as our country's concrete contribution to the policy and efforts of the international community aimed at strengthening the regime of non-proliferation of nuclear weapons.

Based on the all above and in connection with the adoption of the Law of Mongolia on nuclear-weapon-free status, the State Great Hural of Mongolia resolves:

1. To mandate the Government /R. Amarjargal/ to take the following measures:

1/ to actively cooperate with and acquire assistance from the relevant States, international organizations, including the International Atomic Energy Agency, in implementing the Law of Mongolia on the nuclear-weapon-free status and the United Nations General Assembly resolution entitled "Mongolia's international security and nuclear-weapon-free status";

2/ to take the necessary measures to ensure normal functioning of the stations designed to monitor nuclear weapons tests, that are situated on the territory of Mongolia;

3/ to report, as the case may be, to the Standing Committee on Security and Foreign Policy Affairs of the State Great Hural of Mongolia on the implementation of the Law of Mongolia on the nuclear-weapon-free status, of the present Resolution and other legislative acts adopted in conformity with them.

2. The present Resolution shall be implemented from the day of the entry into force of the Law of Mongolia on the nuclear-weapon-free status.

CHAIRMAN R. GONCHIGDORJ